



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

James S. Gilmore, III
Governor
John Paul Woodley, Jr.
Secretary of Natural Resources

James Monroe Building
101 North 14th Street, 17th Floor
Richmond, Virginia 23219
February 13, 2001

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Executive Director
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Garnet Sarver - Principal Engineer
Chesterfield County
Dept. of Environmental Engineering
P.O. Box 40
Chesterfield, VA 23832

**RE: Interpretation of Stormwater Management Requirements for
Redevelopment Activities in Chesapeake Bay Preservation Areas.**

Dear Mr. Sarver:

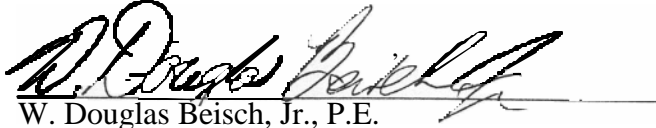
This letter is to confirm the conclusions arrived at during our recent telephone conversation regarding the pollutant removal requirements for redevelopment sites within Chesapeake Bay Preservation Areas (CBPAs). In October of 1998, we responded to your inquiry regarding these stormwater management requirements with the following statement, "If the degree of impervious cover will be expanded, or the impervious surfaces are relocated to undeveloped portions of the lot or parcel, the opportunity then arises for the applicant to come into full compliance with the removal requirements for--% new development, and the new development calculation guidance applies." A number of events have transpired in and after 1998 including: revision of the Virginia Stormwater Management Law and Regulations, development and publication of the Virginia Stormwater Management Handbook, a regulatory revision process whereby the Chesapeake Bay Local Assistance Department will reference the VA SWM regulations and handbook as the applicable water quality standard for CBPAS, and a reversal of agency position regarding the application of the redevelopment guidance as it applies to our water quality criteria.

As we discussed on the telephone, in light of that fact that we are under direction to coordinate our water quality standards with those in the Virginia Stormwater Management Regulations, and in an effort to provide more uniform guidance addressing "redevelopment scenarios," we now would refer you to the performance based criteria, or four "scenarios", referenced in 4 VAC 3 -20-71 (B) of the Stormwater Management Regulations. More specifically, situation 3 addresses development where the existing impervious cover is greater than the average land cover. In this situation, "The pollutant discharge after development shall not exceed (i) the pollutant discharge based on

existing conditions less 10% or (ii) the pollutant discharge based on the average land cover condition, whichever is greater". This standard is less restrictive than our previous guidance allowed but, in an effort to maintain a consistent and coordinated state water quality standard, may now be used in Chesapeake Bay Preservation Areas.

I apologize if this issue has caused any confusion, and welcome any comments you have in this matter. As always, we appreciate the opportunity to answer any questions related to implementation of the Chesapeake Bay Preservation Act. Please do not hesitate to contact me at 1-800-CHESBAY, should you need clarification or further explanation of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Douglas Beisch, Jr.", is written over a horizontal line.

W. Douglas Beisch, Jr., P.E.

Senior Environmental Engineer

C: Scott Crafton, CBLAD
Shawn Smith, CBLAD
Martha Little, CBLAD
Joe Battiatia, DCR